

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LAURA ANNETTE ZOLLAR,

Plaintiff,

Case No.: 1:24-cv-04114

v.

Judge Sunil R. Harjani

THE PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE “A”,

Magistrate Judge Maria Valdez

Defendants.

DECLARATION OF KEITH A. VOGT

I, Keith A. Vogt, declare as follows:

1. I am an attorney at law, duly admitted to practice before the Courts of the State of Illinois and the United States District Court for the Northern District of Illinois. I am one of the attorneys for Plaintiff, LAURA ANNETTE ZOLLAR (“Zollar” or “Plaintiff”). Except as otherwise expressly stated to the contrary, I have personal knowledge of the following facts and, if called as a witness, I could and would competently testify as follows:

2. **Exhibit 1** attached hereto is a true and correct copy of the January 24, 2020, report titled *Combating Trafficking in Counterfeit and Pirated Goods* prepared by the U.S. Department of Homeland Security, Office of Strategy, Policy & Plans.

3. Attached hereto as **Exhibit 2** is a true and correct copy of Lex Machina searches for cases filed by the firm Epstein Drangel, which files similar lawsuits in the Southern District of New York, resulting in 356 cases between 2009 and December 2019. Also contained in the Lex Machina search results are cases filed by the Law Firm of Stephen M. Gaffigan, which files similar cases in the Southern District of Florida, resulting in 940 cases.

4. Northern District of Illinois Eastern Division judges assigned to factually similar cases have routinely permitted joinder. For example, **Exhibit 3** attached hereto is a true and correct copy of this Court's orders finding joinder proper in two recent cases, as well as the docket in *Too Faced Cosmetics, LLC v. Operators of KTKT Store, et al.*, No. 19-cv-07762 (N.D. Ill. Feb. 12, 2020) (Lefkow, J.) (docket entries 22, 27, 30) (finding joinder appropriate in factually similar case after supplemental briefing); *Gold's Gym Licensing LLC v. Operators of dropshipping fast ship Store, et al.*, No. 19-cv-07446 (N.D. Ill. Jan.15, 2020) (Lefkow, J.) (docket entries 32, 38, 43) (same); *Otter Products, LLC, et al. v. James Chen, et al.*, No. 16-cv-06807 (N.D. Ill. Aug. 31, 2016) (Shadur, J.) (same). At the July 12, 2016 hearing, Judge Shadur requested Plaintiffs to submit a supplemental brief regarding joinder of defendants. After Plaintiffs filed their brief, Judge Shadur permitted the case to continue with e-commerce store operators using 107 seller aliases joined.

5. I, or someone working under my direction, have reviewed the item titles for the Defendant Internet Stores and have found that many of the item titles used by the Defendant Internet Stores are nearly identical or very similar to one another.

6. I, or someone working under my direction have reviewed the storefronts and product listings for the Defendant Internet Stores and have confirmed that the Defendant Internet Stores appear to use fictitious addresses that do not clearly identify a selling entity and/or its contact information.

7. In my experience over the last seven (7) years, I have encountered dozens of situations where defendants operate multiple Defendant Internet Stores that lack narrow, specific identifiers, but are commonly owned by a single individual or company.

8. **Exhibit 4** attached hereto is a true and correct copy of Jon Emont, *Amazon's Heavy Recruitment of Chinese Sellers Puts Consumers at Risk*, Wall St. J. 1-2 (Nov. 11, 2019).

9. **Exhibit 5** attached hereto is a true and correct copy of Xinhua, *Fighting China's Counterfeits in the only era*, Chinadaily.com

10. **Exhibit 6** attached hereto is a true and correct copy of Excerpts from Fiscal year 2021 U.S. Customs and Border Protection (“CBP”) Intellectual Property Seizure Statistics Report.

11. **Exhibit 7** attached hereto are true and correct copies of unpublished opinions cited in Plaintiff's memorandum Establishing that Joinder is Proper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 29, 2024.

/s/ Keith A. Vogt
Keith A. Vogt
Counsel for Plaintiff